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**FILED**

JUL 10 2007

*MMB*  
 RICHARD G. WILKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

13  
 14 UNITED STATES OF AMERICA, ) No. CR 07-70337 PVT  
 15 v. )  
 16 KHAHN DANG VU and ) STIPULATION TO CONTINUE  
 17 LAM THANH NGUYEN, ) PRELIMINARY HEARING AND  
 18 Defendants. ) EXCLUDE TIME; [PROPOSED] ORDER  
 19  
 20 *RJ*

21 Defendants and the government, through their respective counsel, hereby stipulate that,  
 22 subject to the court's approval, the preliminary hearing in the above-captioned matter, presently  
 23 scheduled for Thursday, July 12, 2007, be continued to Thursday, August 23, 2007, at 9:30 a.m.

24 The continuance is requested because one or both defendants may agree to proceed by  
 25 Information and waiver of Indictment, but additional time is needed for counsel to review the  
 26 case before making that determination. Additionally, substitute counsel, Mary Conn, Esq., has  
 recently been retained on behalf of defendant Lam Thanh Nguyen, and requires time to  
 familiarize herself with the case.

The parties further agree that time for arraignment or preliminary hearing should be

STIPULATION TO CONTINUE  
 PRELIM. HEARING; [PROPOSED] ORDER  
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1 excluded under the Speedy Trial Act because the defense requires time for effective preparation  
 2 and investigation, and the ends of justice outweigh the defendants' and the public's need for  
 3 filing charges on an earlier date.

4

5 Dated: 7/9/07

/s/  
 LARA S. VENNARD  
 Assistant Federal Public Defender  
 Attorney for Khanh Vu

7

8 Dated: 7/9/07

/s/  
 MARY CONN  
 Attorney for Lam Thanh Nguyen

9

10 Dated: 7/10/07

/s/  
 JEFFREY B. SCHENK  
 Assistant United States Attorney

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**ORDER**

13 The parties have jointly requested a continuance of the preliminary hearing set for July  
 14 12, 2007, to allow time for one or both defendants to determine whether to proceed by  
 15 Information or Indictment, and to allow time for new counsel, Mary Conn, Esq., to familiarize  
 16 herself with the case.

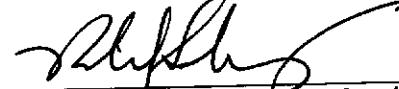
17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
 18 presently set for July 12, 2007, be continued to August 23, 2007, at 9:30 a.m.

19 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
 20 from July 12, 2007 to August 23, 2007, shall be excluded from the period of time within which  
 21 charges must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

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Dated: 7/10/07

  
PATRICIA V. TRUMBULL RICHARD SEELEY  
 United States Magistrate Judge

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STIPULATION TO CONTINUE  
 PRELIM. HEARING; [PROPOSED] ORDER  
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